

**Statement of Dr. Mike D. McDaniel
Secretary
Louisiana Department of Environmental Quality**

**Before the
Senate Committee on Environment and Public Works
Field Hearing Entitled
Moving Forward after Hurricanes Katrina and Rita**

**Monday, February 26, 2007
Louisiana Supreme Court Building
400 Royal Street
New Orleans, Louisiana**

Madam Chairman, Members:

I am Mike McDaniel, Secretary of the Louisiana Department of Environmental Quality.

My testimony today will be short and necessarily condensed.

However, I have provided the committee with additional written testimony and supplementary exhibits that will be helpful to those interested in learning more about LDEQ's activities in response to the hurricanes and lessons learned from our experience.

LDEQ's responsibilities under Louisiana's Emergency Operations Plan are limited primarily to Environmental Support Function 10 – Oil Spill, Hazardous Materials and Radiation. However, as detailed in my written testimony, the Department responded to a broad range of needs immediately following the storms including:

- **Search and rescue**
- **Reconnaissance, damage and environmental threats assessment**
- **Environmental Sampling and Assessment**
- **Hazardous and Radioactive Materials Management**

And, of course

- **Debris Management**

Hurricanes Katrina and Rita left in their wake over 62 million cubic yards of debris. In addition to vegetative debris and demolished structures, there were around 150,000 flood damaged homes, around

350,000 abandoned vehicles, and about 60,000 abandoned vessels to be dealt with.

In accordance with national emergency response plans, the U.S. Army Corps of Engineers has been assigned responsibility for the management of debris from Hurricanes Katrina and Rita. Although LDEQ has no directly assigned responsibilities for debris management under the state's Emergency Operating Plan, we do have statutory responsibilities for the regulation of solid waste and protection of the environment. From the onset, we have worked with the Corps, providing technical and regulatory assistance for their debris mission activities. Perhaps our most important roles have included working in conjunction with local governments to identify and approve sites for debris management and to provide oversight to see that debris is handled and disposed of in an expeditious and environmentally sound manner. It is important to note that LDEQ does not direct waste to any disposal facility.

With the exception of the slow pace of demolition of flood-damaged structures, the cleanup and disposition of hurricane debris has gone reasonably well. The debris cleanup and disposal in the Rita impacted portions of the state are essentially complete. Cleanup and disposal in the Katrina impacted area is about 80% complete, with the remaining debris associated primarily with the demolition and disposal of flood damaged structures. At least 30,000 homes in both St. Bernard and Orleans Parishes have been identified for demolition and disposal. This number could potentially increase. The pace of

the demolitions is tied primarily to authorizations provided by local governments.

Although not within its defined missions in the state's Emergency Operating Plan, LDEQ volunteered to manage the contracts for recovery, remediation, and recycling of vehicles and boats. There have been some challenging issues, but we presently expect these efforts to be complete around August of this year.

Although the debris mission has gone reasonably well, it has not been without some challenges for LDEQ. Perhaps generating the most attention was the Department's approval of the Gentilly and Chef Menteur sites for landfill disposal of hurricane-generated construction and demolition debris. LDEQ's decision to approve these facilities was based on a thorough evaluation of the need for, suitability of, and proximity of these facilities to the hardest hit areas.

Both of these sites had previously gone through the technical evaluation and permitting process prior to the hurricanes. The rationale for use of these facilities is detailed in decisional records included in the written testimony we have provided. The concern about hazardous or prohibited materials being introduced into these sites has been addressed by an unprecedented program of oversight and inspection, which is detailed in our written materials.

Finally, I would like to briefly share with you some lessons learned. I will provide examples of what went well, what needs to be improved, and conclude with recommendations for you to consider in preparation for the next disaster.

The Unified Command Center and Incident Management Team collaboration and coordination worked exceedingly well for those local, state, and federal agencies dealing with the environmental issues following the storms. It was an efficient and effective means to address issues overlapping multiple jurisdictions. Additionally, I don't think we could have asked for better working relationships than those we enjoyed with EPA Region 6 and members of the Corps of Engineers debris management team.

On the other hand, the relationship with FEMA was mixed. At times they were responsive and helpful. However, for the most part, they were slow to act and inconsistent in their decisions. Most frustrating to us was their intrusion into the debris management arena, ignoring the findings of LDEQ and EPA, independently commissioning outside contractors for questionable studies, and redirecting waste disposal by imposing funding restrictions. This confusion of responsibilities needs to be addressed at the federal level.

There were a number of issues concerning regulatory flexibility during emergency response and recovery. The LDEQ needed to provide regulatory flexibility to expedite restoration of critical services such as those required for safe drinking water, temporary housing, and for the cleanup and disposal of the enormous quantity of hurricane debris.

In some instances where federal programs were implicated, LDEQ worked with the EPA to provide regulatory flexibility and protocols for compliance. While this process provided what was needed, it was

often times slow in yielding results and very resource intensive while LDEQ was focusing on critical response efforts.

After now having directly experienced the environmental challenges presented by the unprecedented natural disaster brought by Hurricanes Katrina and Rita, the first thing I would ask for to help those dealing with the next disaster would be a federal environmental emergencies playbook that would provide consistent guidance for dealing with the environmental issues that arise as a result of disaster. Among other things, this playbook would provide guidance on how to deal with debris management issues, hazardous waste management, and regulatory flexibility.

That concludes my statement.

I'd be happy to take any questions you might have.